

Natural Resources Board

MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, December 6, 2000, in Room 027 of the State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on Items 1 and 2. The meeting was recessed at 8:45 a.m. and reconvened at 4:51 p.m.

PRESENT: Trygve A. Solberg, Chair  
Gerald W. O'Brien, Secretary  
Herbert F. Behnke  
Howard D. Poulson  
Catherine L. Stepp  
James E. Tiefenthaler, Jr.  
Stephen D. Willett

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ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of October 25-26, 2000.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the Full Board Minutes of October 25-26, 2000 as presented. The motion was carried unanimously by those members present.

Committee of the Whole Minutes of October 25-26, 2000.

Mr. O'Brien MOVED, seconded by Mr. Willett, approval of the Committee of the Whole Minutes of October 25-26, 2000 as presented. The motion was carried unanimously by those members present.

Full Board Minutes of November 16, 2000 teleconference call.

Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the Full Board Minutes of November 16, 2000 teleconference call as presented. The motion was carried unanimously by those members present.

1.B Agenda for December 6, 2000.

Mr. Behnke MOVED, seconded by Mr. O'Brien, approval of the December 6, 2000 agenda as presented. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present.

3. Committee of the Whole.

3.A Acceptance of a gift from the Wisconsin Warden Association for the remodeling of a building at the MacKenzie Environmental Center.

No action taken on this matter, deferred to next year.

- 3.B Recommendation for petition from Wisconsin's Environmental Decade, et. al, for administrative rules to govern mercury emissions to the air and specifically requiring reductions from the largest sources of mercury emissions which contribute to mercury deposition to Wisconsin lakes and rivers.

Mr. Tiefenthaler MOVED, seconded by Ms. Stepp, the Department's recommendation for petition from Wisconsin's Environmental Decade, et. al, for administrative rules to govern mercury emissions to the air and specifically requiring reductions from the largest sources of mercury emissions which contribute to mercury deposition to Wisconsin lakes and rivers with the inclusion of budget documentation information in the report. The motion was carried unanimously by those present.

- 3.C Approval of DNR Legislative proposals for introduction in the 2001-2003 Legislative Session.

Mr. O'Brien MOVED, seconded by Mr. Willett, approval of DNR Legislative proposals for introduction in the 2001-2003 Legislative Session. The motion was carried unanimously by those present.

- 3.D INFORMATIONAL ITEM – Report on the Forest Legacy Program

This item was presented during the Committee of the Whole meeting.

- 3.E Approval of the Feasibility Studies for Caldron Falls Centennial State Park and Capital Springs Centennial State Park and Recreation Area, and Approval of the Establishment of Capital Springs State Recreation Area.

Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the Feasibility Studies for Caldron Falls Centennial State Park and Capital Springs Centennial State Park and Recreation Area, and Approval of the Establishment of Capital Springs State Recreation Area. The motion was carried unanimously by those members present.

- 3.F INFORMATIONAL ITEM – Results of the 2000 gun deer season.

This item was presented during the Committee of the Whole meeting.

- 3.G Retirement Resolutions.

1. James Holzer
2. Douglas Hoskins
3. Phillip Olson
4. Marion Reiter
5. Glenn Witmer

Secretary Meyer reviewed the careers of each retiree and commended them for their excellent years of service to the Department and to the state of Wisconsin. Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the retirement resolutions as presented. The motion was carried unanimously by those members present.

4. Board Members' Matters.

This item was presented during the Committee of the Whole meeting.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees.

- 6.A Air, Waste and Water/Enforcement Committee.

6.A-1 Minutes.

A motion was made and seconded, the approval of the October 25-26, 2000 minutes as presented. The motion was carried unanimously by those members present.

6.A-2 Adoption of Order CF-33-00 – revision of Chapter NR 7, Wis. Adm. Code, pertaining to recreational boating facilities program

The Committee recommended and Mr. Willett MOVED, seconded by Mr. O'Brien adoption of Order CF-33-00 as presented. The motion was carried unanimously by those members present.

6.A-3 Adoption of Emergency Order LE-49-00(E) and authorization for hearing on permanent rule to revise Chapter NR 6, Wis. Adm. Code, pertaining to the Snowmobile Safety and Enforcement Program

Mr. Willett requested that this item be taken up by the Full Board. Mr. Willett stated the Committee's concern was that this adoption would not address the problem it sets out to do. The Committee's largest concern is that this rule would not address the issues of speed, drinking, and enforcement. The Committee felt that all three need to be addressed and this rule would not do that. The Committee approved and recommended the adoption of the emergency order, which will expire at the end of the 180-day period. It will then be up to the Legislature to decide how they would approach this issue. There is a Legislative package that will address all three.

Ms. Stepp: I feel that we are not addressing the issue, which is alcohol abuse on the trail systems. I know the Department's intentions are good but I do not feel that we should be the ones dictating a speed limit. I do feel strongly that it should be left to the Legislature. I am in favor of controlling people on the trails. But, the realism of one Department or one Bureau head telling that he does not want to implement this rule because it is not enforceable. Yet, when it comes to this particular rule proposal, we know we can not enforce it but we want to have it anyway it obviously contradicts itself.

Mr. Behnke: If we leave it to the legislature, how long would it take before the Legislature act on it? Would that take place before the next snowfall?

Mr. Willett: No they would not but we were informed that it means that if we pass this there is no way to enforce it. So, the package needs to have an alcohol component, enforcement component, and it needs the speed limit component.

Mr. Tiefenthaler: Going 50 miles per hour after darkness, versus going 50 miles an hour on a lake, or going 50 miles an hour on a curving trail or a converted snowmobile trail does not seem to me that it makes any sense at all. On a trail, 50 miles per hour is too fast, it is like on any road.

Chairman Solberg: If we talk to the Wardens, you will find that this is one more tool for them at night to stop people if they are going too fast. There are intoxication components in place already, so I think this is another tool for our Wardens and local law enforcement to curtail something this year.

Secretary Meyer: Many of the deaths are the overdriving of headlights on lakes. People going 70 miles per hour on thin ice, they don't see there is open water ahead, and they are overdriving their headlights. This is enforceable. We do have Wardens out there, but we do not have enough out there. Right now they don't have the tools to arrest a DWI.

Ms. Stepp: Why can't we leave that for the Legislature to decide? And, if there can be more Warden hours dedicated?

Secretary Meyer: I agree with that. The Legislature did not get it passed. If this saves four or five lives this year, it is worth it.

Chairman Solberg: If we see that the Legislature would not enact it again next year, there is nothing to say that we couldn't pass another emergency rule next year.

Steve Willett: What the Legislature really needs to do is look at the entire package.

Chairman Solberg: I agree with you. We have the snowmobile industry endorsing this matter at this time. This would go into affect when it can be published.

Mr. Willett: We are taking care of this problem on a temporary basis.

Mr. Behnke: The emergency rule is in effect for 180 days for this snowmobile season. If the Legislature does not act on this, could we go to another emergency rule?

Chairman Solberg: We could.

Mr. Willett: We would if the Legislature doesn't do anything and this has a significant impact.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson the motion of the adoption of the Emergency Order LE-49-00(E) and authorization for hearing on permanent rule to revise Chapter NR 6, Wis. Adm. Code, pertaining to the Snowmobile Safety and Enforcement Program, which will expire at the end of the 180-day period as presented. The motion was carried unanimously by those members present.

6..A-4 Authorization for hearing on creation of Chapter NR 464, Wis. Adm. Code, pertaining to the Federal hazardous air pollutant standard for pulp and paper mills.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Behnke that the Board authorize public hearing. The motion was carried unanimously by those members present.

6.A-5 Authorization for hearing on revision of Chapter NR 415, Wis. Adm. Code, pertaining to particulate matter emissions.

The Committee recommended and Mr. Willett MOVED, seconded by Ms. Stepp that the Board authorize public hearing. The motion was carried unanimously by those members present.

6.A-6 Authorization for hearing on revision of s.NR 422.083, Wis. Adm. Code, pertaining to control of VOC emissions from plastic parts coating operations for Wisconsin to demonstrate attainment of the 1-Hour Ozone Standard.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson that the Board authorize public hearing. The motion was carried unanimously by those members present.

6.A-7 Authorization for hearing on proposed emergency rule for creation of Chapter NR 754, Wis. Adm. Code, pertaining to insurance requirements related to natural attenuation for voluntary party liability exemption.

The Committee recommends and Mr. Willett MOVED, seconded by Mr. Tiefenthaler that the Board authorize public hearing. The motion was carried unanimously by those members present.

6.A-8 INFORMATIONAL ITEM – Update on Wisconsin's Brownfields Initiative.

No action taken on this informational item.

6.A-9 INFORMATIONAL ITEM – Update on revisions to administrative rules related to the redesign of the Nonpoint Source Program.

Update on revisions will be presented after our January 23, 2000 joint meeting with DATCP.

6.B Land, Management, Recreation and Fisheries/Wildlife Committee.

6.B-1 Minutes

A motion was made and seconded, the approval of the October 25-26, 2000 minutes as presented. The motion was carried unanimously by those members present.

6.B-2 Approval of master plan for the Nevin Springs Fish and Wildlife Area.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler that the Board approve the master plan for the Nevin Springs Fish and Wildlife Area. The motion was carried unanimously by those members present.

6.B-3 Adoption of Order WM-29-00 – revision of Chapter NR 10, Wis. Adm. Code, pertaining to modification of deer management unit population goals and boundaries.

The Natural Resource Board amended the proposed population goals for Units 29A, 29B, 31, and 44. The committee members determined a compromise that was agreed to by virtually all parties for 29A and B at 12, 31 at 20, and 44 at 17. This would satisfy both the biological need as well as the sociological need. There was other discussion on the phase down of 67A, 67B, 70B, 70E, and 78. The committee members decided to go with the Department recommendation of 35 to 30 in three years and in 2004 there would be an interim study and an analyst completed. If required, the Department could then go to their desired goal of 25 deer per unit, in 78 it is 15. At that point, the Department would have answers and recommendations. Mr. Poulson noted it is his understanding that the units would go to 30 right now, in three years they would go down to 25, and on the fourth year there would be a review. Mr. Tiefenthaler noted the amendment would say that we would not take the final step until the review is completed in 2004. Mr. Willett questioned what if those numbers are accurate, can we have an earn a buck in there too? Mr. Behnke noted we don't know yet, we could come back with a request for an emergency rule if we need to. Mr. Willett questioned the T Zone? Chairman Solberg noted the T Zone is reviewed at every year. Mr. Behnke noting clarification of Mr. Poulson's question, what is up for hearing now is that after two consecutive years of T Zone and if we are still not at our goal, we could go to earn a buck or an antlerless season depending on how the public hearing turns out. That is not a part of our program at this point. The Natural Resources Board further directed the Department to review and update the estimates of carrying capacity for deer management units 29A, 29B, 31 and 44 within the next 12 months. This review shall be conducted in full cooperation with the Conservation Congress, Chippewa Tribes and other interested parties. Upon completion of the review, the Department shall report the findings to the Natural Resources Board and identify the management actions, if any, that should be undertaken based upon the updated estimates of carrying capacity. The Natural Resources Board amends sections two and three of the rule order to allow the interim population goals set forth in the rule order for deer management units 67A, 67B, 70B, 70E and 78 to also be used during calendar year 2004. If the 2004 three year review indicates that the interim goals for these units adequately address the management needs for these units, the Department should take action to retain the interim goals. The amended text for rule order WM-29-00 should be amended to read: SECTION 2. NR .104(5)(b) is renumbered (b)1. and amended to read NR 10.104(5)(b)1. Quota objective. Using the overwinter deer population estimate established under par. (a), expected fawn production and overwinter mortality, the expected archery harvest of antlerless deer excluding those harvested under authority of hunter's choice and antlerless deer hunting permits, and the deer population goal in sub. (4) except in units 67A, 67B, 70B, 70E and 78 in 2001, 2002, 2003 and 2004 as described in subd. 2., the department shall annually calculate an antlerless deer kill quota for each unit with the objective of maintaining the deer herd at the established overwinter goal or temporary overwinter target population density. SECTION 3. NR 10.104(5)(b)2. is created to read: NR 10.104(5)(B)2. Quota objective. In deer management units 67A, 67B, 70B and 70E the department shall annually calculate an antlerless kill quota as outlined in subd. 1. for the years of 2001, 2002, 2003 and 2004 using the temporary overwinter target population density of 30 deer per square mile of deer range. In deer management unit 78, the department shall annually calculate an antlerless kill quota as outlined in subd. 1. for the years of 2001, 2002, 2003 and 2004 using the temporary overwinter target population density of 20 deer per square mile of deer range.

The Committee recommended and Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, that the Board approve the proposed Adoption of Order WM-29-00, revision of Chapter NR 10, Wis. Adm. Code, pertaining to modification of deer management unit population goals and boundaries, as presented. The motion was carried unanimously by those members present.

6.B-4 Authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to relicensing of commercial fishers.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler that the Board authorize public hearings. The motion was carried unanimously by those members present.

6.B-5 INFORMATIONAL ITEM – Report on the Wisconsin Lake Sturgeon Management Plan.

No action taken on this informational item.

6.B-6 INFORMATIONAL ITEM – Review of Great Lakes commercial fishing harvest limits.

No action taken on this informational item.

6.B-7 Ice Age Trail land acquisition – Dane County.

Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 222 acres of land from Franklin McNutt for \$150,000. Mr. O'Brien seconded the motion. The vote on the motion: Affirmative – Solberg, O'Brien, Behnke, Stepp, Tiefenthaler, and Willett.  
Abstained – Mr. Poulson

6.B-8 Loon Lake Wildlife Area land acquisition – Barron County.

Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 231.6 acres of land from Craig and Linda Nelson for \$315,000. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

6.B-9 Ice Age Trail land acquisition – Walworth County.

Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 36.52 acres of land from Thomas and Janet McGuire for \$81,000. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.B-10 Devil's Lake State Park land acquisition – Sauk County.

Mr. Behnke noted that the Committee was concerned about this piece of property. There was a question about whether or not it was really needed. It is a quarter of an acre for \$59,200. There is a building located at the site that would be used to house seasonal employees and perhaps later would have a future office site developed there. The committee questioned if all of this was necessary and if an office site is needed, would there be another area that could be used rather than buying this piece of property for that purpose. This was tabled for further information and was deferred to a later date.

6.B-11. 10-Mile Creek Streambank Protection Area land acquisition – Wood County; and acceptance and recognition of five chapters of Trout Unlimited for their donation totaling \$2,900 to be used toward this purchase.

Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 3.07 acres of land from Lyle and Patricia Miller for \$30,700. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

7.A DONATION – \$7,250 from the National Wild Turkey Federation, Inc. for the establishment of a native prairie grassland on 65 acres of the Mud Lake Wildlife Area in Columbia County.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, acceptance of the donation. The motion was carried unanimously by those members present.

7.B DONATION - \$5,500 from The Richland County Chapter of the National Wild Turkey Federation, Inc. to help purchase a six wheeler ATV for land management activities in the Lower Wisconsin River Basin.

Mr. Behnke MOVED, seconded by Mr. O'Brien, acceptance of the donation. The motion was carried unanimously by those members present.

- 7.C DONATION – \$5,000 from the Greater Minocqua Chamber of Commerce to be used for studying and/or improving the walleye fishery in the Minocqua Chain of Lakes.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, acceptance of the donation. The motion was carried unanimously by those members present.

- 7.D INFORMATIONAL ITEM

Secretary Meyer noted that in January the Board will take action on any advisory questions. Any questions the Board members would like to add to the Spring hearing questionnaire should be brought to the next meeting.

Chairman Solberg noted that the January meeting would be a joint meeting with the DATCP Board and we would discuss some of the nonpoint issues. Mr. Willett questioned if we had any idea of how that agenda would run?

Mr. Bazzell noted that presently staff of DNR and DATCP are working on the agenda. It was Mr. Bazzell's understanding that we would hold a joint meeting on Tuesday, January 23, in the afternoon. There has been some discussion about social time and dinner after the meeting of the two Boards.

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The Board Meeting was adjourned at 5:30 p.m.